

MINUTES

MONTANA SENATE 60th LEGISLATURE - REGULAR SESSION

COMMITTEE ON EDUCATION AND CULTURAL RESOURCES

Call to Order: By **CHAIRMAN DON RYAN**, on April 2, 2007 at 3:12 P.M., in Room 303 Capitol.

ROLL CALL

Members Present:

Sen. Don Ryan, Chairman (D)
Sen. Jim Elliott (D)
Sen. Bob Hawks (D)
Sen. Carol C. Juneau (D)
Sen. Sam Kitzenberg (D)
Sen. Dan McGee (R)
Sen. Jim Peterson (R)
Sen. Bob Story Jr. (R)

Members Excused:

Sen. Jerry W. Black (R)

Members Absent: None.

Staff Present: Casey Barrs, Legislative Branch
Marigail Schreiner, Committee Secretary

Audio Committees: These minutes are in outline form only.

They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 594, HB 672, 3/28/2007
Executive Action: HB 417, HB 574, HB 672, HB 678,
HB 609, HB 761, HB 744

00:00:00 Opening comments by Chairman Ryan

EXECUTIVE ACTION ON HB 417

00:01:29 Sen. Ryan

00:02:14 **Motion:** SEN. HAWKS moved that HB 417 BE CONCURRED IN.

00:02:28 **Motion:** SEN. RYAN moved that HB 417 BE AMENDED.

EXHIBIT(eds70a01)

Discussion:

00:02:32 Sen. Ryan

00:03:48 Sen. Juneau arrived

00:04:40 Sen. McGee to Chairman Ryan

00:06:53 Sen. Juneau

00:07:02 Sen. Story

00:08:56 Chairman Ryan

00:10:37 **Vote:** Motion carried 5-4 by voice vote with SEN. BLACK, SEN. MCGEE, SEN. PETERSON, and SEN. STORY voting no. SEN. BLACK voted no by proxy.

00:10:43 **Motion:** SEN. JUNEAU moved that HB 417 BE AMENDED.

EXHIBIT(eds70a02)

Discussion:

00:11:26 Sen. Juneau

00:12:50 Sen. McGee to Chairman Ryan and Casey Barrs

00:13:54 Sen. Story

00:15:06 Sen. Hawks

00:15:55 Sen. Juneau

00:20:15 Sen. Hawks

00:21:12 **Vote:** Motion failed 4-5 by roll call vote with SEN. ELLIOTT, SEN. JUNEAU, SEN. KITZENBERG, and SEN. RYAN voting aye. SEN. BLACK voted no by proxy.

00:21:53 Sen. Juneau left

00:22:34 Sen. Ryan

00:23:04 **Motion:** SEN. KITZENBERG moved that HB 417 BE AMENDED.

EXHIBIT(eds70a03)

Discussion:

00:23:45 Sen. McGee

00:24:35 Sen. Story to Chairman Ryan

00:25:24 Sen. Hawks

00:26:08 **Vote:** Motion failed 4-5 by roll call vote with SEN. BLACK, SEN. ELLIOTT, SEN. JUNEAU, and SEN. KITZENBERG voting aye. SEN. BLACK and SEN. JUNEAU voted aye by proxy.

00:27:04 **Motion:** SEN. KITZENBERG moved that HB 417 BE AMENDED.

00:27:18 Action was suspended on HB 417.

HEARING ON HB 594

Opening Statement by Sponsor:

00:27:43 **REP. WAYNE STAHL (R), HD 35**, opened the hearing on HB 594, Designate state lullaby.

Proponents' Testimony:

00:28:33 Ken Overcast, One of the Composers of the Montana Lullaby

00:30:06 Sen. Hansen, SD 17

Opponents' Testimony:

00:30:41 None

Informational Testimony:

00:30:45 None

Questions from Committee Members and Responses:

00:30:49 Sen. McGee

00:31:05 Ken Overcast

00:34:16 Sen. Kitzenberg

00:34:30 Sen. McGee

Closing by Sponsor:

00:34:40 Sen. Stahl

HEARING ON HB 672

Opening Statement by Sponsor:

00:35:27 **REP. BILL GLASER (R), HD 44**, opened the hearing on **HB 672**, Revise school bond laws.

Proponents' Testimony:

00:41:01 Bob Vogel, Montana School Boards' Association

00:42:37 Dave Puyear, Montana Rural Education Association

00:44:41 Joe Lamson, on behalf of Superintendent, Linda McCulloch

Opponents' Testimony:

00:44:59 None

Informational Testimony:

00:45:05 None

Questions from Committee Members and Responses:

00:45:09 Sen. Story to Madalyn Quinlan, Office of Public Instruction

00:49:23 Sen. McGee to Madalyn Quinlan

00:52:18 Sen. Hawks to Rep. Glaser

Closing by Sponsor:

00:55:05 Rep. Glaser

00:55:11 Sen. Peterson left

00:59:07 Sen. Hawks to Rep. Glaser

CONTINUATION OF EXECUTIVE ACTION ON HB 417

00:59:59 **Motion:** SEN. KITZENBERG moved that HB 417 BE AMENDED.

EXHIBIT(eds70a04)

01:01:20 Sen. McGee to Chairman Ryan

01:02:45 Sen. Kitzenberg

01:02:50 **Vote:** Motion failed 7-2 by roll call vote with SEN. KITZENBERG voting aye and with SEN. JUNEAU voting aye by proxy.

01:03:45 **Motion:** SEN. RYAN moved that HB 417 BE AMENDED.

EXHIBIT(eds70a05)

Discussion:

01:05:00 Sen. McGee to Chairman Ryan

01:06:29 Sen. Story

01:07:03 Madalyn Quinlan, Office of Public Instruction

01:08:00 Sen. Story

01:09:05 **Vote:** Motion carried 6-3 by roll call vote with SEN. MCGEE, SEN. PETERSON, and SEN. STORY voting no. SEN. PETERSON voted no by proxy.

Motion: SEN. RYAN moved that HB 417 BE AMENDED.

EXHIBIT(eds70a06)

Discussion:

01:09:32 Madalyn Quinlan

01:10:12 Chairman Ryan

01:10:34 Sen. Story

01:11:13 Sen. Hawks to Chairman Ryan

01:12:11 Madalyn Quinlan

01:12:30 Sen. McGee to Chairman Ryan

01:13:19 Joe Lamson, on behalf of the Office of Public Instruction

01:14:04 Sen. Story to Chairman Ryan

01:14:25 Jim Standard, Legislative Fiscal Division

01:14:36 Sen. Peterson returned

01:14:43 Sen. McGee to Jim Standard

01:15:56 **Vote:** Motion carried 5-4 by roll call vote with SEN. BLACK, SEN. MCGEE, SEN. PETERSON, and SEN. STORY voting no. With SEN. BLACK voting no by proxy and SEN. JUNEAU voting aye by proxy.

01:17:01 **Motion:** SEN. KITZENBERG moved that HB 417 BE CONCURRED IN AS AMENDED.

Discussion:

01:17:09 Sen. McGee

01:17:41 Chairman Ryan

01:18:22 **Vote:** Motion carried 5-4 by roll call vote with SEN. BLACK, SEN. MCGEE, SEN. PETERSON, and SEN. STORY voting no. With SEN. BLACK voting no by proxy and SEN. JUNEAU voting aye by proxy.

EXECUTIVE ACTION ON HB 574

01:19:15 Motion/Vote: SEN. KITZENBERG moved that HB 574 BE CONCURRED IN. Motion carried unanimously by voice vote. With SEN. BLACK and SEN. JUNEAU voting aye by proxy.

EXECUTIVE ACTION ON HB 672

01:19:49 Motion/Vote: SEN. STORY moved that HB 672 BE CONCURRED IN. Motion carried unanimously by voice vote. With SEN. BLACK and SEN. JUNEAU voting aye by proxy.

EXECUTIVE ACTION ON HB 678

01:20:12 Motion: SEN. RYAN moved to RECONSIDER THE ACTION on HB 678.

Discussion:

01:20:35 Chairman Ryan

01:20:59 Motion/Vote: SEN. HAWKS moved to take HB 678 OFF OF THE TABLE. Motion carried unanimously.

01:21:26 Sen. McGee

EXECUTIVE ACTION ON HB 609

01:21:52 Motion/Vote: SEN. RYAN moved to RECONSIDER THE ACTION on HB 609. Motion carried unanimously by voice vote.

01:22:09 Motion/Vote: SEN. KITZENBERG moved TO TAKE HB 609 AS AMENDED OFF OF THE TABLE . Motion carried 7-2 by voice vote. SEN. BLACK, SEN. ELLIOTT and SEN. JUNEAU voted aye by proxy.

Discussion:

01:23:01 Sen. McGee to Sen. Story

01:23:18 Sen. Ryan to Sen. Story

01:23:33 Sen. Story

01:23:41 Sen. Ryan

01:24:18 **Motion:** SEN. MCGEE moved that HB 609 BE CONCURRED IN AS AMENDED.

Discussion:

01:25:03 Sen. Story

01:25:34 Sen. McGee

01:26:22 **Vote:** Motion carried 5-4 by voice vote with SEN. BLACK, SEN. MCGEE, SEN. PETERSON, and SEN. STORY voting no. SEN. BLACK voted no by proxy. SEN. ELLIOTT and SEN. JUNEAU voted aye by proxy.

EXECUTIVE ACTION ON HB 761

01:27:56 **Motion:** SEN. KITZENBERG moved that HB 761 BE CONCURRED IN.

01:28:06 **Motion:** SEN. KITZENBERG moved that HB 761 BE AMENDED.

EXHIBIT(eds70a07)

Discussion:

01:29:26 Sen. Hawks to Chairman Ryan

01:30:43 Sen. Peterson

01:31:51 Sen. Kitzenberg

01:32:32 Sen. Hawks

01:32:47 Sen. McGee

01:33:08 Chairman Ryan to Sen. Story

01:33:27 Sen. Hawks

01:34:32 Sen. Story

01:34:49 **Vote:** Motion carried 8-1 by voice vote with SEN. MCGEE voting no. SEN. BLACK, SEN. ELLIOTT and SEN. JUNEAU voted aye by proxy.

01:35:32 Sen. Peterson

01:36:13 Sen. Story

01:36:36 **Motion/Vote:** SEN. KITZENBERG moved that HB 761 BE CONCURRED IN AS AMENDED. Motion failed 4-4 by voice vote. SEN. JUNEAU voted no by proxy. SEN. ELLIOTT'S voted was not cast.

EXECUTIVE ACTION ON HB 744

01:38:47 **Motion:** SEN. MCGEE moved that HB 744 BE CONCURRED IN.

EXHIBIT(eds70a08)

01:39:21 **Motion:** SEN. MCGEE moved that HB 744 BE AMENDED.

Discussion:

01:39:43 Sen. McGee

01:39:58 Sen. Story

01:40:11 Chairman Ryan

01:40:38 Chairman Ryan

01:41:30 Sen. McGee

01:41:48 Sen. Peterson to Chairman Ryan

01:42:21 **Motion/Vote:** SEN. MCGEE withdrew his motion that HB 744 BE AMENDED and BE CONCURRED IN. Motion carried unanimously by voice vote. With SEN. BLACK, SEN. ELLIOTT and SEN. JUNEAU voting aye by proxy.

ADJOURNMENT

Adjournment: 5:02 P.M.

SEN. DON RYAN, Chairman

MARIGAIL SCHREINER, Secretary

DR/ms

Additional Exhibits:

EXHIBIT ([eds70aad.pdf](#))